

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 29, 2001

DIVISION ONE

B144427 People (Not for Publication)
v.
Richardson

The judgment is modified to stay the sentence on the forgery count. As so modified, the judgment is affirmed. The clerk of the superior court is directed to prepare a modified abstract of judgment and forward it to the Department of Corrections.

Spencer, P.J.

I concur: Vogel (Miriam A.), J.
I dissent: Mallano, J. (Opinion)

B146091 People (Not for Publication)
v.
Dent

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B144273 People (Not for Publication)
v.
Morales

The judgment is affirmed. The clerk of the court is directed to prepare a corrected abstract of judgment reflecting the imposition of a \$200 restitution fine, a \$100 state penalty assessment and a \$70 county penalty assessment and to forward the same to the Department of Corrections.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B138520 Haddad (Not for Publication)
v.
Northridge Hospital

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B135575 Wuo et al. (Not for Publication)
v.
Miars et al.
Stillman et al.

The judgment is affirmed.

Spencer, P.J.

I concur: Mallano, J.
I concur in the judgment only: Vogel (Miriam A.), J.

DIVISION TWO

B139151 Morrison Marketing, Inc., et al. (Not for Publication)
v.
Market Scan Information Systems, Inc., et al.

The judgment is affirmed. Appellants are ordered to pay respondents' costs of appeal.

Todd, J.

We concur: Boren, P.J.
Nott, J.

B141829 Rainbow Ceramic Tile Co. (Not for Publication)
v.
Lewis Jorge Construction Management, Inc.

The summary judgment is affirmed; the order denying attorney's fees is reversed. The case is remanded to the trial court for a determination of the amount of attorney's fees. In the interests of justice the parties are ordered to bear their own costs of appeal.

Todd, J.

We concur: Boren, P.J.
Nott, J.

B143938 Sunburst Estates II Homeowners Association (Not for Publication)
v.
Sunburst Estates I Homeowners Association

The judgment of the trial court is affirmed.

Todd, J.

We concur: Boren, P.J.
Nott, J.

DIVISION THREE

B145203 Vicki E. Pollock (Not for Publication)

v.

University of Southern California, etc., et al.

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B151276 Ceaser C., a minor (Not for Publication)

v.

Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The writ petition is denied. The order to show cause issued August 9, 2001, is discharged.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B147370 People (Not for Publication)

v.

Larry

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (Continued)

B145550 People v. Freeman (Not for Publication)

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B141288 People (Not for Publication)
v.
Clark

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B147191 People (Not for Publication)
v.
Lewis

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (Continued)

B147757 Aespace America, Inc. (Not for Publication)
 v.
 Winston Ping Ko et al.

The summary judgment from which plaintiff has appealed is reversed and the cause is remanded for further proceedings consistent with the views expressed herein. Plaintiff shall recover its appellate costs from the Kos. Azusa Pacific University shall recover its appellate costs from plaintiff.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

B141956 Thaleia Marston
 v.
 Robert C. Marston, Jr., et al.

Filed order vacating submission order of August 15, 2001 due to the press of other court business and the complexity of the issues. Cause resubmitted.

B147414 People
 v.
 Lonnie Hagan Gallegos et al.

Filed order vacating submission order of August 15, 2001 due to the press of other court business and the complexity of the issues. Cause resubmitted.

DIVISION THREE (Continued)

B146260 Freddy S. Aw (Not for Publication)
v.
San Gabriel Valley Medical Group, etc.

The summary judgment on Aw's cause of action for breach of contract is reversed. The summary judgment on Aw's causes of action for discrimination, wrongful termination against public policy--discrimination, and wrongful discrimination against public policy--retaliation, are treated as being summarily adjudicated in Medical Group's favor, and as such are affirmed. Insofar as the appeal purports to embrace the subsequent order and amended judgment awarding attorney fees, the appeal is dismissed. Any costs award is stricken. The parties are to bear their own costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION FOUR

B141430 People (Not for Publication)
v.
Perez and Villalobos

The judgments are affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
 Hastings, J.

DIVISION FOUR (Continued)

B147755 Tofasco of America, Inc. (Not for Publication)
v.
Wice Freight Services (Los Angeles), Inc.

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FIVE

B140664 Ben & Jerry's of California, Inc., et al (Not for Publication)
v.
All Natural Ice Cream Corporation et al.

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B138706 Bryan Buhtz (Not for Publication)
v.
Alpine Shutter, Inc., et al.

The judgment is reversed as to Buhtz's causes of action for an accounting, fraud and deceit, misappropriation, and breach of fiduciary duty, and the matter is remanded for further proceedings on those claims. The judgment of dismissal of the causes of action for breach of the partnership agreement and unfair competition is affirmed. Buhtz shall recover his costs on appeal.

Mosk, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

DIVISION SIX

B143962 People (Not for Publication)
v.
Henderson

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

B146574 Baltadano (Not for Publication)
v.
Ha et al.

The court's order granting a new trial as to damages is affirmed. Each party shall bear their own costs on appeal.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B150744 People (Not for Publication)
v.
Walker

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

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DIVISION SIX (Continued)

B145496 People (Not for Publication)
v.
Matthews

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B145068 People (Not for Publication)
v.
Taylor et al.

The clerk of the superior court is ordered to prepare an amended abstract of judgment striking the parole revocation fines and notify the Department of Corrections. Otherwise, the judgments are affirmed.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Johnson, Acting P.J., Woods, J., Perluss, J., Boland, J. (Assigned) and Eva McClintock, Deputy Clerk.

DIVISION SEVEN (Continued)

Each of the following:

B139947 People v. Giao and Szeto
B150074 People v. Alyssa V.
B144362 People v. Aguilar and Navarro
B144767 People v. Robinson
B144895 People v. O'Neill
B146003 People v. Jacobo
B146865 People v. Serreno
B147195 People v. Semedo
B147257 People v. Solis
B147532 People v. Capuchino
B147992 People v. Garcia
B148259 People v. Sasson
B148302 People v. Paul M.
B149113 People v. Ornelas
B149225 People v. Montaque
B150818 People v. Hutchinson
B142509 Grant v. Public Storage Management
B152679 Cecelia H. v. S. C. L. A.

Argument waived, cause submitted.

B148229 People
 v.
 Baviscky

Merits:

Argued by Allen Weinberg for appellant and by Marc J. Nolan, deputy attorney general, for respondent. Cause submitted.

B145546 People
 v.
 Belden

Appearances:

Carol Jorstad, deputy attorney general, for respondent. No appearance by counsel for appellant. Argument waived, cause submitted.

DIVISION SEVEN (Continued)

B140904 People
 v.
 Lee

Merits:

Argued by Dan Mrotek for appellant and by Valerie A. Baker, deputy attorney general for respondent. In open court parties were instructed to file letter briefs, appellant's to be filed in 5 days, respondent's is due 5 days thereafter, single spaced no more than 10 pages. Cause to be submitted upon receipt of respondent's brief.

B146241 Mindy Shapiro
 v.
 Michael Shapiro

Merits:

Argued by Steven Fernandez for appellant. Respondent waived oral argument. Cause submitted.

B138054 Burton
 v.
 Biggs

Merits:

Argued by David Lampkin for appellant and by Thomas Corcovelos for respondent. Cause submitted.

B146307 People
 v.
 Robles

Merits:

Argued by Rama R. Maline, deputy attorney general, for respondent and by Bradford E. Henschel for appellant. Cause submitted.

DIVISION SEVEN (Continued)

B133419 City of Temple City
 v.
 Isaac Gabriel et al.

Merits:

Argued by William Litvak for respondent and by Akram Adib Awab for appellants. Cause submitted.

B145664 Dianne Suzuki et al.
 v.
 Psychcare Alliance et al.

Merits:

Argued by Richard Love for appellants and by Joel Bruce Douglas for respondents. Cause submitted.

B149377 Dianne Suzuki et al.
 v.
 National Association of Agriculture Employees et al.

Merits:

Argued by Richard Love for appellants and by James Attridge for respondents. Cause submitted.

Court recessed at 11:33 A.M.

Court reconvened at 2:00 P.M.

Present: Johnson, Acting P.J., Woods, J., Perluss, J., Boland, J. (Assigned) and Eva McClintock, Deputy Clerk.

DIVISION SEVEN (Continued)

B145490 Hsien I. Peng et al.
 v.
 City of Bellflower

Merits:
Argued by Frank Weiser for appellants and by June Ailin for respondent.
Cause submitted.

B148565 Citizens For Fair Treatment, Inc.
 v.
 Time Warner Entertainment Company et al.
 Twentieth Century Fox Film Corporation

Merits:
Argued by Robert M. Schwartz and William McDaniels for appellants, and
by David Markham for respondent. Cause submitted.

B148889 Faramarz Khalili
 v.
 Board of Chiropractic Examiners, State of Calif.

Merits:
Argued by Michael Khouri for appellant and by Jessica M. Amgwerd for
respondent. Cause submitted.

B145289 Gregory Bakarian
 v.
 Steven Mazza

Merits:
Argued by Steven L. Mazza for appellant. No appearance by respondent
pursuant to rule 17(b). Cause submitted.

Court adjourned at 3:23 P.M.